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DOC #:
DATE FILED: 4/5/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIRAN VUPPALA,

Plaintiff,

-against-

1411 BROADWAY GARAGE LLC, a New York
limited liability company, d/b/a CITY PARKING, and
1411 IC-SIC Property LLC, a Delaware limited liability
company,

Defendants.

1:22-cv-8821-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

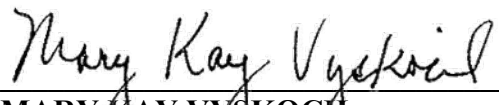
Plaintiff initiated this action by filing a complaint on October 16, 2022. [ECF No. 1]. Affidavits of service of summons and complaint were filed on the docket on December 17, 2022. [ECF Nos. 7, 8]. According to those summons, Defendants' responses to the complaint were due December 22, 2022. [ECF No. 5, 6].

After Defendants failed to timely answer or otherwise respond to the Complaint, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. [ECF No. 9]. In response, Plaintiff explained that there had been difficulties in effecting service and requested an additional 45 days for Defendants to file an answer. [ECF No. 10]. The Court granted that request. [ECF No. 11]. However, Defendants once again failed to timely answer or otherwise respond to the Complaint. As a result, this Court ordered Plaintiff to show cause by March 27, 2023 why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. To date, Plaintiff has not complied with this Court's order or otherwise prosecuted his case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by May 5, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: April 5, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge